

Do not use this checklist for liability coverage. If using a trust fund for liability coverage, use publication #05-04-008(h).
Do not use this checklist for post-closure or interim status facilities – contact Ecology's Financial Assurance Officer for instructions.

FINANCIAL ASSURANCE COMPLIANCE CHECKLIST **TRUST FUND FOR CLOSURE** **FACILITIES USING 40 CFR 264.143(a)**

REVIEW FOR YEAR: _____

DATE OF TRUST _____
DATE SUBMITTED _____
ACCOUNT NUMBER _____
BANK/TRUSTEE NAME _____
FACILITY NAME _____
LOCATION _____
ID NUMBER _____

INITIAL REVIEW STEPS	COMMENTS
1. Have the required documents been submitted?	
a. Trust Agreement – 40 CFR 264.143(a)	
b. Schedule A – 40 CFR 264.151(a)(1), Section 2	
c. Schedule B – 40 CFR 264.151(a)(1), Section 3	
d. Exhibit A – 40 CFR 264.151(a)(1), Section 14	
e. Certificate of Acknowledgement – 40 CFR 264.151(a)(2)	
f. Receipt of Initial Payment – 40 CFR 264.143(a)(3)(i)	
2. Is the Trustee qualified? 40 CFR 264.143(a)	
3. Is the Trust Agreement wording identical to the requirements? 40 CFR 264.151(a)(1) and WAC 173-303-620(10)	
4. Are Schedules A and B and Exhibit A properly completed?	
5. Is the Certificate of Acknowledgement valid and complete?	
6. Is the cost shown on Schedule A at least as great as the cost estimate?	
7. Is the initial payment sufficient?	
a. For TSDs, must be fully funded – WAC 173-303-620(4)(c)(i)	
b. For new facilities, must be fully funded – WAC 173-303-620(4)(d)(iii)	
c. For existing facilities, per pay-in formulas – WAC 173-303-620(4)(c)(i) and 173-303-620(4)(d)(ii)	
SUBSEQUENT REVIEW STEPS	
8. Has the Trustee submitted a statement confirming the value of the Trust at least 30 days prior to the fund's anniversary date? 40 CFR 264.151(a)(1), Section 10	
9. Are proper annual payments made, if applicable? WAC 173-303-620(4) and 173-303-620(d)(ii)	
10. Has Schedule A been properly updated? 40 CFR 264.143(a)(2)	
a. Adjusted for inflation – WAC 173-303-620(3)(c)	
b. Plan modifications – WAC 173-303-620(3)(b)	
11. Release of funds?	
a. Does Trust value exceed cost estimate? 40 CFR	

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264.143(a)(7)	
b. Substitution of mechanisms? 40 CFR 264.143(a)(8)	
12. Reimbursement from the Trust? 40 CFR 264.143(a)(10) (Note: Ecology will approve only if itemized bills were submitted in accordance with approved plan. Ecology has 60 days to respond.)	
13. Is Ecology required to approve any changes in the Trust Agreement?	
a. Amendments of the Trust Agreement – 40 CFR 264.151(a)(1), Section 16	
b. Termination of the Trust – 40 CFR 264.151(a)(1), Section 17	
14. Any other outstanding issues or concerns?	

MANDATORY LANGUAGE: Located in 40 CFR 264.151(a) and WAC 173-303-620(10). Examples of mandatory language are available from Ecology's Financial Assurance Officer at (360) 407-6754.

CONCLUSION: The Department of Ecology determines that the facility has *(circle one)* **COMPLIED** / **NOT COMPLIED** in all material respects with the requirements governing financial assurance as described in 40 CFR Part 264. Reasons for noncompliance, if any, are detailed in an attached memo.

Department of Ecology Review by: _____ Date: _____